

# TEMPORARY

NO.72176-T

## APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 31 2005

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed FEB 09 2005

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The applicant **Round Mountain Gold Corp, Homestake Nevada Corp, BaRGold Corp dba Smoky Valley Common Operation**, hereby makes application for permission to change the **point of diversion and manner of use of a portion** of water heretofore appropriated under **Permit #70178**

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1. The source of water is **underground (GHB-BPW)**
2. The amount of water to be changed **0.67 c.f.s.**
3. The water to be used for **mining activities (including exploration and reclamation), milling, domestic, and dewatering**
4. The water heretofore permitted for **mining, milling, domestic, and dewatering**
5. The water is to be diverted at the following point **within the SE¼ of the NE¼ of Section 32, T.11N, R. 44E, M.D.B. & M., at a point from which the NW corner of Section 33, T.11N, R. 44E. bears N 29 degrees, 20 minutes, 29 seconds E for a distance of 1720.8 feet**
6. The existing permitted point of diversion is located within **the SW¼ of the NE¼ Section 32, T11N, R44E, MDB&M at a point from which the NW corner of Section 33, T11N, R44E, MDB&M bears N 46 degrees 57 minutes 28 seconds E for a distance of 2299.98 feet.**
7. Proposed place of use **(portions unsurveyed) See Attached Exhibit A**
8. Existing place of use **(portions unsurveyed) See Attached Exhibit A**
9. Use will be from **January 01 to December 31** of each year.
10. Use was permitted from **January 01 to December 31** of each year.
11. Description of proposed works. **existing well**
12. Estimated cost of works **\$110,626**
13. Estimated time required to construct works **10" diameter cased well with electric motor and submersible pump**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **The water developed will be co-mingled with other water rights held by the applicant and will primarily be utilized for mining and milling activities, including associated drilling and reclamation activities. As the pit develops, this well will also serve to dewater the mining pit to ensure highwall stability.**

By Gina R. Myers  
s/Gina R. Myers, agent  
P.O. Box 480  
Round Mountain, NV 89045

Compared lt/dl lt/gkl

Protested \_\_\_\_\_

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#### APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 70178 is issued subject to the terms and conditions imposed in said Permit 70178 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit is issued for diversion rate only and will allow the permittee to dewater the pit area.

It is understood that any water pumped as a result of the production and dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, construction, dust suppression, road watering, reclamation and other related mining uses within the described place of use on this permit, hereinafter referred to as mining and milling purposes.

Any water pumped and not used for mining and milling purposes shall be infiltrated back to the Big Smoky Valley Groundwater Basin, Northern Part (137B), or used to substitute for existing pumping in a manner to be later determined under applicable permits. The permittee shall discharge water in a manner to achieve maximum conservation of the water resource. It is understood that this right must allow for a reasonable lowering of the static water level. The permittee will prepare and submit a monitoring program that must be approved by the State Engineer prior to the pumping of any water under this permit. The monitoring program must specify: (1) the sources to be measured (2) the background information already gathered (3) the method of measurement and (4) the projected frequency of measurement. The monitoring program must show what, if any, impacts the pumping of water for this project has on existing rights. The design of the infiltration site and the delivery system to the site or other substitutive discharge, shall be submitted to the State Engineer prior to any diversion of water from this source to the infiltration site. The State Engineer will retain the right to require additional monitoring of the water levels in monitor wells and the flow rates of surface sources.

(Permit Terms Continued)

The permittee shall submit a report to the State Engineer by February 15<sup>th</sup> of each year detailing a water management plan. The management plan must include: (1) a summary of expected pumping for the year; (2) a summary of the completed pumping and water level measurements for the previous year; (3) an exact location of each well drilled or abandoned, and; (4) any expected or proposed methods of disposal.

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The permittee, on a schedule acceptable to the State Engineer, will prepare and present an update on the activities of the mine, the monitoring program and the water management plan on a periodic basis, but not less than two times a year.

A monthly report shall be submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: (A) the volume of water pumped from each well; (B) the measurement of pumping water level (drawdown) from each production, dewatering and monitoring well; (C) the volume of water consumptively used for mining and milling uses projectwide, and; (D) the amount of water discharged for infiltration. A method that estimates the amount of evaporative losses from the discharge system shall be submitted with the monthly report. The evaporative losses will be considered as part of the combined duty for consumptive purposes.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from the State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

The total combined duty of water for consumptive purposes under Permits 536, 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 3832; 12768, Certificate 3751; 14119, Certificate 4889; 26650, Certificate 13904; 26652, Certificate 13905; 44297, 44299, 44300, Certificate 13174; 50971, 51577, Certificate 13185; 51578, Certificate 13186; 53365, 55498, 55500, 55501, 55502, 55503, 59217, 59218, 60874, 60875, 60876, 70169 through 70185, and any associated temporary changes of these rights, shall not exceed 13,910 Acre Feet Annually.

This temporary permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

Upon permanent cessation of all mining, milling and dewatering purposes, all water granted under the temporary permit will revert back to the source from which it was appropriated, except for any water requirements needed for any mine closure plan and/or to mitigate any adverse effects caused by dewatering.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on April 19, 2006 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.67 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 20th day of April A.D. 2005

  
State Engineer

TEMPORARY

djl per telecon  
R. DeLipkau

	E2	25	11N	43E	MD
Portion	NE	NW	25	11N	43E
Portion	SE	NW	25	11N	43E
Portion	NE	SW	25	11N	43E
Portion	SE	SW	25	11N	43E
	E2	36	11N	43E	MD
Portion	NE	NW	36	11N	43E
Portion	SE	NW	36	11N	43E
Portion	NE	SW	36	11N	43E
Portion	SE	SW	36	11N	43E
Portion	NE	NW	04	10N	44E
Portion	SE	NW	04	10N	44E
	W2	NW	04	10N	44E
Portion	NE	SW	04	10N	44E
	NW	SW	04	10N	44E
Portion	S2	SW	04	10N	44E
	N2	05	10N	44E	MD
	N2	S2	05	10N	44E
Portion	SE	SE	05	10N	44E
Portion	SW	SE	05	10N	44E
Portion	SE	SW	05	10N	44E
Portion	SW	SW	05	10N	44E
	NE	06	10N	44E	MD
Portion	NW	06	10N	44E	MD
	N2	SE	06	10N	44E
Portion	SE	SE	06	10N	44E
Portion	SW	SE	06	10N	44E
	NE	SW	06	10N	44E
Portion	NW	SW	06	10N	44E
Portion	SE	SW	06	10N	44E
Portion	SW	SW	06	10N	44E
Portion	NE	NW	08	10N	44E
Portion	SE	NW	08	10N	44E
Portion	NE	SW	08	10N	44E
Portion	SE	SW	08	10N	44E
Portion	SW	SW	08	10N	44E
Portion	NE	NW	17	10N	44E
Portion	NW	NW	17	10N	44E
Portion	SW	NW	17	10N	44E
Portion	NW	SW	17	10N	44E
Portion	NE	SE	18	10N	44E
Portion	W2	SW	27	11N	44E
	S2	S2	28	11N	44E
Portion	NE	SE	28	11N	44E
Portion	NW	SE	28	11N	44E
Portion	NE	SW	28	11N	44E
Portion	NW	SW	28	11N	44E
	W2	E2	29	11N	44E
Portion	NE	NE	29	11N	44E
Portion	SE	NE	29	11N	44E
Portion	NE	SE	29	11N	44E
	SE	SE	29	11N	44E
	W2	29	11N	44E	MD
		30	11N	44E	MD
	E2	31	11N	44E	MD
	NW	31	11N	44E	MD
N2	SW	31	11N	44E	MD

